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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,537	04/10/2000	Steven Dwain Zimmermann	1096.84954	2888
26874	7590	01/30/2004	EXAMINER	
FROST BROWN TODD, LLC 2200 PNC CENTER 201 E. FIFTH STREET CINCINNATI, OH 45202			CZEKAJ, DAVID J	
			ART UNIT	PAPER NUMBER
			2613	
DATE MAILED: 01/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/546,537	ZIMMERMANN ET AL.
	Examiner Dave Czekaj	Art Unit 2613
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<b>Period for Reply</b>		
<b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</b>		
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b>		
1) <input type="checkbox"/> Responsive to communication(s) filed on _____.		
2a) <input type="checkbox"/> This action is <b>FINAL</b> .                    2b) <input checked="" type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.		
<b>Disposition of Claims</b>		
4) <input checked="" type="checkbox"/> Claim(s) <u>54 and 55</u> is/are pending in the application.		
4a) Of the above claim(s) _____ is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>54 and 55</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.		
<b>Application Papers</b>		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input checked="" type="checkbox"/> The drawing(s) filed on <u>10 April 2000</u> is/are: a) <input checked="" type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.		
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).		
11) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.		
<b>Priority under 35 U.S.C. §§ 119 and 120</b>		
12) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).		
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:		
1. <input type="checkbox"/> Certified copies of the priority documents have been received.		
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.		
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
* See the attached detailed Office action for a list of the certified copies not received.		
13) <input checked="" type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.		
a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.		
14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.		
<b>Attachment(s)</b>		
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____.		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
6) <input type="checkbox"/> Other: _____.		

**DETAILED ACTION*****Election/Restrictions***

1. Applicant's election with traverse is acknowledged. This is not found persuasive because:

Regarding the "independent" argument, please note that the examiner did a restriction, not an election of species. Restrictions require that the inventions be distinct.

As for whether the claims are distinct, please note that the claimed subject matter of the other groups do not appear in the selected group. Therefore, the examiner maintains the restriction and makes it final. The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 54-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Jain et al. (5729471), (hereinafter referred to as "Jain").

Regarding claim 54, Jain discloses an apparatus that is concerned with the interactive selection of video or television images on demand and in real time (Jain: column 1, lines 26-30). This apparatus comprises "capturing an immersive real time video surveillance image at a first location, said image displaying an entire region being monitored" (Jain: figure 2, column 16, lines 30-37, wherein the cameras capture the images of their respective region, the combined environment from all 3 cameras

would produce the sense of immersion), "receiving and displaying the immersive video surveillance image on a display at one remote location" (Jain: figure 15, wherein the central graphics and visualization station is the remote location, column 13, lines 35-40, wherein the viewer is another example of a remote location), "receiving user inputs for viewing perceptively corrected selected portions of the region being monitored from a user at a remote location" (Jain: column 14, lines 57-58, wherein the corrected selected portions are the different camera positions or angles), and "displaying the selected portions of the video image as a perspective corrected image in real time video rates" (Jain: column 14, lines 55-61, wherein the output of the corrected image is displayed for the user to view).

Regarding claim 55, Jain discloses "receiving and displaying additional user inputs for viewing additional perceptively corrected selected portions of the region being monitored, the additional user inputs being different than the other user inputs" (Jain: column 13, lines 36-38, wherein the additional inputs are when and where the user wants to get into the scene).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 54-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Moezzi et al. (5850352), (hereinafter referred to as "Moezzi").

Regarding claim 54, Moezzi discloses an apparatus that is concerned with the interactive synthesis of video or television images of a real world scene (Moezzi: column 1, lines 43-45). This apparatus comprises "capturing an immersive real time video surveillance image at a first location, said image displaying an entire region being monitored" (Moezzi: figure 1a, column 23, lines 29-41, wherein the cameras capture the images of their respective region, the combined images make up the entire area being covered), "receiving and displaying the immersive video surveillance image on a display at one remote location" (Moezzi: figure 17, wherein the central graphics and visualization station is the remote location), and "receiving and displaying user inputs for viewing perceptively corrected selected portions of the region being monitored from a user at a remote location" (Moezzi: column 33, lines 16-19, wherein the corrected selected portions are the different viewing positions).

Regarding claim 55, Moezzi discloses "receiving and displaying additional user inputs for viewing additional perceptively corrected selected portions of the region being monitored, the additional user inputs being different than the other user inputs" (Moezzi: column 33, lines 16-19, wherein the additional inputs are the manipulations performed on the model information).

### ***Conclusion***

Art Unit: 2613

.3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US-6271752	08-2001	Vaios, Christos I.
US-5600368	02-1997	Matthews, III
US-2001/0010555	08-2001	Driscoll, Edward Jr.
US-5130794	07-1992	Ritchey, Kurtis J.
US-5708469	01-1998	Herzberg, Louis P.
US-6133944	10-2000	Braun et al.
US-6219089	04-2001	Driscoll Jr et al.
US-6356283	03-2002	Guedalia, Joshua S.
US-6034716	03-2000	Whiting et al.
US-6113395	09-2000	Hon, David C.
US-5793872	08-1998	Hirayama et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (703) 305-3418. The examiner can normally be reached on Monday - Friday 9 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



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